



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200500685

Date: March 24, 2005

Comments Due: April 23, 2005

In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Feather River - Bear River - Western Pacific Interceptor Canal (WPIC) Levee Improvements project, which would result in permanent impacts to approximately 8.75 acres, and temporary impacts to approximately 10.16 acres of waters of the United States, including wetlands, that are tributary or adjacent to tributaries of the Feather River, and the removal of 251.79 acres of orchards within the Bear River floodway. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Charles K. McClain, Three Rivers Levee Improvement Authority
Executive Director
915 Eighth Street, Suite 115
Marysville, California 95901
530-749-7575

LOCATION: The project site is located where State Route 70 crosses the Bear River, south of Marysville, in various sections of Townships 13 and 14 North, Range 4 East, in Yuba and Sutter counties, and can be seen on the Nicolaus, California and Olivehurst, California, 7.5 minute USGS Topographic Quadrangles.

PROJECT DESCRIPTION: The purpose of the proposed project is to enhance flood protection to properties within southern Yuba County. The applicant proposes to remedy existing flood conveyance deficiencies in Yuba County by improving the existing Bear River and WPIC levees, removing 251.79 acres of walnut orchards within the Bear River floodway, and by constructing a 2-mile setback levee and associated stormwater detention basin north of the Bear River. There will be direct impacts on the 251.79 acres of orchard in the Bear River floodplain. The project will also involve the direct permanent and temporary impacts to 18.91 acres of wetlands and other waters of the United States (i.e., waterways and drainages).

ADDITIONAL INFORMATION:

Environmental Setting. The project area comprises 934.13 acres primarily used for agriculture. Approximately 19.79 acres of wetlands and 369.91 acres of other waters (including 251.79 acres of orchards) are also located within the project area. Wetlands consist of naturally occurring emergent wetlands (0.45 acre), seasonal wetlands (5.07 acres), seasonal ponds (4.07 acres), riparian scrub (1.77 acres), riparian woodlands (5.5 acres), and willow scrub (2.93 acres) located in depressional areas near the levees and along drainages. Other waters consist of agricultural waterways and drainages (44.85 acres), valley oak riparian forests (73.27 acres), and orchards (251.79 acres). The latter two habitats exist

within the Bear River floodway below ordinary high water. The Corps has yet to verify the wetland delineation for this project.

Current land uses to the north is predominantly agriculture. Future development in this area as described in the Plumas Lake Specific Plan includes medium density residential and associated parks, schools and shopping areas within project area. Construction has already started on homes located north of Feather River Boulevard and east of Highway 70 in the Plumas Lake area. The project would provide increased flood protection for these and future developments in southern Yuba County.

Alternatives. The applicant has provided information concerning project alternatives in the Draft Environmental Impact Report (September 2004). The alternatives include a northern setback levee alignment, a levee raise and a levee strengthening alternative (without the setback levee), and the no-project alternative. Additional information concerning project alternatives will be required in order to complete the public interest review for this application.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The project proponent is proposing a combination of onsite enhancement and/or protection of wetland and riparian features and the purchase of mitigation credits to compensate for permanent impacts associated with project implementation. The applicant proposes to avoid and minimize impacts to aquatic resources where practicable and to restore riparian and aquatic habitat in the Bear River floodway and setback levee area.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification from the Central Valley Regional Water Quality Control Board, as required under Section 401 of the Clean Water Act, is required for this project. The applicant has not indicated they have applied for certification for the entire project levee improvements project. However, a technical condition certification has been issued by the Central Valley Regional Water Quality Control Board for the Western Pacific Interceptor Canal Levee Improvements Project (WDID # 5A58CR00018).

HISTORIC PROPERTIES: Cultural resources are currently being evaluated and information on cultural resources within the project's area of potential effect will be submitted by the applicant and available at a later date. The one feature in the area that may be eligible for placement on the National Register for Historic Places (NRHP), is the Western Pacific Railroad, that will not be adversely impacted by the current project design.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with NOAA-Fisheries, pursuant to Section 7 of the Endangered Species Act, as appropriate. The Corps has already initiated consultation with the U.S. Fish and Wildlife Service that the project may affect the Federally-listed giant garter snake, valley elderberry longhorn beetle, vernal pool tadpole shrimp, vernal pool fairy shrimp, Sacramento Orcutt grass, slender Orcutt grass, Colusa grass, Contra Costa grass, Contra Costa goldfields, and designated critical habitat.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood

hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200400685, must be submitted to the office listed below on or before April 23, 2005:

Tom Cavanaugh, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Thomas.J.Cavanaugh@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Tom Cavanaugh, 916-557-5261, Thomas.J.Cavanaugh@usace.army.mil.

Attachments:

- A - Vicinity Map
- B - Project Plan View
- C - Levee Design and Slurry Wall Cross-Sections, Potential Borrow Sites, and Detention Basin Design
- D - Locations of Wetlands and Other Waters of the United States